

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 22 July 2019

1. CALL TO ORDER: Chairwoman Chery Maxwell at 6:00 PM.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Members Present:
Cheryl Maxwell, Chairwoman
Mat Matecko, Vice-Chairman
Michael Murray, Member
John Hudson, Member
Lori Putt, Member
Roger Pritt, Member (alt.)
Jim Vinci, Member

Present:
Jaclyn Redmon, Building Official
Jacob Jenkins, Code Compliance
Michael Cassata, Development Services Director

Kim M. Turner, City Manager
Rafeeq Ahmed, Applicant Representative

Member Absent:
Mary Andrews, Member

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 24 June 2019

Mr. Hudson moved to approve the minutes as presented. Mr. Vinci seconded the motion. The minutes were approved without correction on a 7-0 vote.

4. NEW BUSINESS:

- A. **Public Hearing** to hear public input on V.C. 646— A request for a variance for property zoned C2 Retail at 214 Rosewood Drive (CB 5054E BLK 4 LOT 18) to: (i) reduce the required minimum lot width by 10 feet from 70 feet to 60 feet; (ii) reduce the required minimum side yard setback by 10 feet from 15 feet to 5 feet; and (iii) reduce the required minimum number of parking spaces by two (2) spaces from eight (8) spaces to six (6) spaces, per zoning ordinance 581.

Chair Maxwell introduced the project and related variance request.

Mr. Cassata gave an overview and described the reasoning for the requested variances, including existing site constraints.

Mr. Vinci voiced concern over the limited number of parking spaces and questioned why they couldn't provide parking at the rear of the building.

Mr. Cassata confirmed employees would have to park in the front. He explained City staff's concerns over having vehicular access via the alley, which is unimproved, has various utilities, and is the access path for Waste Management. He also mentioned challenges the Fire Department might encounter and the cost-prohibitive nature of bringing the alley up to City street standards.

Mr. Ahmed introduced himself as a representative of WACA Investment LLC, the property owner and applicant. He explained the owner demolished the former building located on the site due to its dilapidated state and is planning to erect a new two-tenant commercial building. He confirmed they do not have any prospective tenants at this point.

Chair Maxwell invited members of the public to address the Board.

Mr. Shane Seider at 205 Oaklane Terrace and Jim Ogilvie at 209 Oaklane Terrace stated that while they were grateful the old building had been taken down, they were concerned about the alley access and potentially having a restaurant in the new building that could cause rodent issues.

Mr. Cassata explained that based on discussions with the applicant, it is understood that a restaurant use would not be permitted due to the significant lack of parking. He added that any proposed restaurant use would require an additional variance and consideration by the Board.

There being no further comments from the public, Chair Maxwell closed the public hearing at 6:16 p.m.

- B. **Consider:** V.C. 646— A request for a variance for property zoned C2 Retail at 214 Rosewood Drive (CB 5054E BLK 4 LOT 18) to: (i) reduce the required minimum lot width by 10 feet from 70 feet to 60 feet; (ii) reduce the required minimum side yard setback by 10 feet from 15 feet to 5 feet; and (iii) reduce the required minimum number of parking spaces by two (2) spaces from eight (8) spaces to six (6) spaces, per zoning ordinance 581.

Chair Maxwell described the proposed use and plan details, including the requested variance.

Mr. Vinci stated the applicant presented a reasonable request and that his concerns had been satisfied, including restrictions on restaurant uses and parking in the rear.

Mr. Matecko said the request meets the criteria for a variance due to the lot's unusual size.

There being no further discussion, Mrs. Putt made a motion stating, "I concur with the findings of fact as outlined in the variance application. Specifically,

- **That there are extraordinary conditions affecting the land, including existing land constraints**
- **That the variance is necessary and essential to the preservation of substantial property rights**
- **That granting the variance will not be detrimental to the public health or safety**
- **That extraordinary conditions do not generally apply to other properties within the vicinity**
- **The unique conditions of the property were not created by the property owner**
- **The variance requested is in conformance with the City's Future Land Use Plan**
- **Approval of the variance requested allows the greatest utilization of the property**

Therefore, I move to approve VC 646 and to grant a variance at 214 Rosewood Drive to:

- 1. Reduce the required minimum lot width by 10 feet from 70 feet to 60 feet;**
- 2. Reduce the required minimum side yard setback on the north side of the property by 10 feet from 15 feet to 5 feet; and**
- 3. Reduce the required minimum number of parking spaces by two (2) spaces from eight (8) spaces to six (6) spaces.**

The motion was seconded by Mr. Hudson and was approved on a 7-0 vote.

5. CITY MANAGER REPORT:

Mrs. Turner provided an update on upcoming City events.

Chair Maxwell thanked Mr. Matecko for his years of service on the Board.

6. ADJOURNMENT:

The meeting adjourned at 6:23 PM.

Cheryl Maxwell
Chair